

EXHIBIT E

KENNETH G. HANSEN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

DIANE L. KELLEY and KENNETH)
HANSEN,)
)
Plaintiffs,)
)
-vs-) No. C07-0475 MJP
)
MICROSOFT CORPORATION, a)
Washington Corporation,)
)
Defendant.)

CERTIFIED COPY

Deposition of KENNETH G. HANSEN, taken
before MARGARET A. BACHNER, CSR, RMR, CRR, and Notary
Public, pursuant to the Federal Rules of Civil
Procedure for the United States District Courts
pertaining to the taking of depositions for the
purpose of discovery, at Suite 3800, One South
Dearborn Street, Chicago, Illinois, on the 7th day of
November, A.D. 2007, at 9:19 a.m.

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<p style="text-align: right;">Page 10</p> <p>KENNETH G. HANSEN</p> <p>A. One.</p> <p>Q. When was that?</p> <p>A. 1976.</p> <p>Q. What year did you graduate from high school?</p> <p>A. '74.</p> <p>Q. Why did you quit college?</p> <p>A. I was going part-time, and it -- between work and everything, it got to be a little bit burdensome. I was on rotating shifts at work and that. And I lost interest.</p> <p>Q. What was the nature of your work at that time?</p> <p>A. Police officer.</p> <p>Q. Where?</p> <p>A. When I was going to college, Great Lakes Police Department, and then Lake County Forest Preserve Police.</p> <p>Q. How long did you work as a police officer?</p> <p>A. Twelve years.</p> <p>Q. And did you work just for those two jurisdictions?</p> <p>A. Yes.</p> <p>Q. How many years in each did you spend?</p>	<p style="text-align: right;">Page 12</p> <p>KENNETH G. HANSEN</p> <p>Q. Did you get any more formal education after your one year of college?</p> <p>A. Outside of the police academy, no.</p> <p>Q. Do you have any more training than you've just described in computers?</p> <p>A. Yes. I am an A+ Certified Hardware Technician. That's through CompTIA. It's an industry certification. And throughout the years I took specialized training with IBM, Compaq and Hewlett-Packard for the purpose of doing warranty repairs on their products.</p> <p>Q. So, did you have a computer business for a while?</p> <p>A. It never really got off the ground, but yes.</p> <p>Q. How did you come to take these classes?</p> <p>A. They were -- when I was working at a dealership for IBM, Compaq and that, they would routinely send me out to get certified on repairing products as they came, you know, out on the market so that I could do warranty repairs.</p> <p>Q. Okay. When did you do that work?</p> <p>A. This was over the course of the mid-nineties.</p>
<p style="text-align: right;">Page 11</p> <p>KENNETH G. HANSEN</p> <p>A. Two at Great Lakes and 10 at Lake County.</p> <p>Q. Are these both in Illinois?</p> <p>A. Yes.</p> <p>Q. What was your rank when you finished?</p> <p>A. When I left, I had the title of Shift Commander. And that -- I wore sergeant's stripes, although we weren't referred to as sergeant. Small department.</p> <p>Q. What was the nature of your duties?</p> <p>A. Patrol the developed and undeveloped areas of the forest preserve, enforce traffic laws, criminal laws, conservation laws, schedule rangers for patrolling the developed picnic areas and supervising them.</p> <p>Q. Now, was this a municipality that you worked for?</p> <p>A. It's a -- in Illinois it's called a special district, much like a water reclamation district, a forest preserve district.</p> <p>Q. So, your jurisdiction was the forest preserve?</p> <p>A. Yes. We were deputy sheriffs, so we did have authority throughout the County. But our focus was, of course, the forest preserve.</p>	<p style="text-align: right;">Page 13</p> <p>KENNETH G. HANSEN</p> <p>Q. Was this after you stopped being a police officer?</p> <p>A. Yes.</p> <p>Q. What did you do immediately after you ceased your police officer duties?</p> <p>A. At the time they were beginning their -- the forest preserve was beginning its own IT department to separate themselves from the main county, and I was selected to head that department, at which time I left the police department and took over the systems administrator position.</p> <p>Q. What sort of computers did you work with?</p> <p>A. IBM.</p> <p>Q. What software did they have?</p> <p>A. OS2.</p> <p>Q. How long did you do that?</p> <p>A. I did that for one year.</p> <p>Q. Which was when?</p> <p>A. 1991, I believe.</p> <p>Q. What did you do after that for work?</p> <p>A. After doing that for a year I went over the road with my brother driving a semi truck, a change of pace.</p> <p>Q. How long did you drive the truck?</p>

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<p style="text-align: right;">Page 18</p> <p>KENNETH G. HANSEN</p> <p>Q. How long did you do that?</p> <p>A. About a year.</p> <p>Q. What did you do next?</p> <p>A. I had a stint of unemployment for a few years.</p> <p>Q. What did you do during your unemployed time?</p> <p>A. Looked for jobs. Eventually I -- I had a short stint as a hotel front desk clerk. My -- you know, my longest employment was with ABN AMRO Bank, and that was for three years.</p> <p>Q. When was that?</p> <p>A. From 2003 to 2006.</p> <p>Q. Where is the bank located?</p> <p>A. It was -- my branch that I worked at was located in Norridge, Illinois.</p> <p>Q. Is that a Chicago suburb?</p> <p>A. Yes.</p> <p>Q. About when in 2006 did you cease that employment?</p> <p>A. The end of November.</p> <p>Q. Did you live in Chicago during this time?</p> <p>A. Yes.</p> <p>Q. So, why did you leave that job?</p>	<p style="text-align: right;">Page 20</p> <p>KENNETH G. HANSEN</p> <p>Q. During what period of time were you operating the retail website?</p> <p>A. From January of this year until the end of July. I mean, it was still up as of a month ago, but I wasn't maintaining it, I wasn't getting any orders.</p> <p>Q. What was the name of the website?</p> <p>A. My Beach Things.</p> <p>Q. Mybeachthings.com?</p> <p>A. Yes.</p> <p>Q. Were you the sole owner?</p> <p>A. Yes.</p> <p>Q. Were you attempting to sell merchandise over the website?</p> <p>A. Yes.</p> <p>Q. What merchandise were you attempting to sell?</p> <p>A. Beachwear and accessories.</p> <p>Q. Did you use computers in that business?</p> <p>A. Yes.</p> <p>Q. What computers?</p> <p>A. My Dell Dimension desktop and this laptop.</p> <p>Q. Any others?</p> <p>A. No.</p> <p>Q. What did you use the Dell Dimension for as</p>
<p style="text-align: right;">Page 19</p> <p>KENNETH G. HANSEN</p> <p>A. They left me. They were shutting down that particular call center. There were redundant call centers, three in the country, one in Jacksonville, Florida and one in Troy, Michigan and the one here in Norridge. They chose to shut down the Norridge facility and focus -- their main office is in Jacksonville.</p> <p>Q. What were your duties during the three years that you worked there?</p> <p>A. I was a mortgage customer service representative.</p> <p>Q. So, was it your job to talk to people over the phone who had mortgages with the bank?</p> <p>A. Yes. It was an inbound call center.</p> <p>Q. Help them out with questions and so forth?</p> <p>A. Yes.</p> <p>Q. What was your next employment when you left that job in November of 2006?</p> <p>A. At that point I took a severance package, and I started my own retail website and basically was trying to make a go of that until July of this year when it just wasn't -- it was costing me money to operate, and I wasn't getting any in return. So, presently I'm unemployed and looking.</p>	<p style="text-align: right;">Page 21</p> <p>KENNETH G. HANSEN</p> <p>opposed to what you used the Toshiba laptop for?</p> <p>A. I used them both for the same thing. Of course, the laptop was something portable that I could have on in my living room so I could maybe do something during TV commercials, you know, that sort of thing. I intended to have a laptop in case I had to do anything off-site per se or needed to travel. It's just part of the business. It seemed logical that I should have a laptop.</p> <p>Q. So that the two computers, each did the same function, just at different times?</p> <p>A. Yes.</p> <p>Q. And did both of them do all the things you needed to do satisfactorily?</p> <p>A. Yes.</p> <p>Q. Do you have plans for future employment?</p> <p>A. Yes.</p> <p>Q. Anything immediate?</p> <p>A. Not in the immediate. Looking right now.</p> <p>Q. Have you had any jobs that you haven't told me about?</p> <p>MR. TILDEN: Object to the form. Marines?</p> <p>BY THE WITNESS:</p> <p>A. Marine Corps. And, of course, I had a few</p>

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<p>1 KENNETH G. HANSEN 2 capable of running Windows Vista? 3 MR. TILDEN: Object to the form. Go ahead. 4 BY THE WITNESS: 5 A. According to the sticker, yes. According 6 to what I read from, like, "PC World" and Kim Komando, 7 that it was limited to what version of Vista, and 500 8 megabytes really was not the desired memory to have in 9 order to run Vista correctly. 10 BY MR. CASPER: 11 Q. Did you understand at the time that you 12 bought the computer that the minimum specified memory 13 required to run Windows Vista was 512 megabytes? 14 A. Yes. 15 Q. Does the Toshiba laptop that you bought 16 have 512 megabytes of memory? 17 A. Yes. Not anymore, but it did when I 18 purchased it. 19 Q. It has more now, correct? 20 A. Yes. 21 Q. At the time you purchased the Toshiba 22 laptop, did it fall short of the specifications to run 23 Windows Vista in any way? 24 MR. TILDEN: Object to the form. 25 BY THE WITNESS:</p>	<p>Page 26</p> <p>1 KENNETH G. HANSEN 2 Q. What was the state of your knowledge at 3 that time? 4 A. As I recall, it was there's a Home version 5 and a Business version. Those were the basic things 6 that I recall. 7 Q. Did I understand your testimony correctly 8 that you did not become aware of the Aero user 9 interface until about the time Windows Vista was 10 released in late January of 2007? 11 A. The term "Aero" was after its release, 12 yeah. 13 Q. Have you upgraded your laptop to Windows 14 Vista? 15 A. Not yet. 16 Q. Do you plan to? 17 MR. TILDEN: Object to the form. Go ahead. 18 BY THE WITNESS: 19 A. Yes. Basically, like most computer-related 20 products, I'm kind of waiting for the price to go 21 down. 22 BY MR. CASPER: 23 Q. Would it be correct to say that you don't 24 have any knowledge of how Windows Vista will perform 25 on your new computer?</p>
<p>1 KENNETH G. HANSEN 2 A. My understanding is it fell short of 3 running anything other than the basic. 4 BY MR. CASPER: 5 Q. At the time you purchased it, your 6 understanding is that it was capable of running 7 Windows Vista Home Basic if you chose to upgrade? 8 A. I was unaware of the various levels of 9 Vista at that time. And to use a term, the bells and 10 whistles that Vista advertised, I was under the 11 impression this machine would in fact be capable of 12 doing that. 13 Q. When did you become aware of the different 14 levels, as you called them, of Vista? 15 A. As I recall, as it was being released in 16 January, if memory serves me. 17 Q. So, that would be around the end of January 18 2007? 19 A. Yes. 20 Q. So, am I correct in understanding your 21 testimony that at the time you purchased the laptop, 22 which was in December of 2006, you were not aware of 23 the different levels or editions of Windows Vista? 24 A. I was not aware of the features and 25 requirements as detailed as I am now.</p>	<p>Page 27</p> <p>1 KENNETH G. HANSEN 2 MR. TILDEN: Object to the form. 3 Chuck, our obligation under the Rules here 4 is not to give any coaching objections or any other 5 kind, and I follow that requirement strictly. Almost 6 all my objections here are of the same kind, and I'll 7 be happy to discuss it with you, if you ask. But 8 otherwise I'll keep my mouth shut. 9 THE WITNESS: Could you repeat the question? 10 (Record read as requested.) 11 BY MR. CASPER: 12 Q. Let me rephrase the question. 13 Is it correct to say that you do not have 14 any knowledge of how Windows Vista would perform if 15 installed on your new computer? 16 MR. TILDEN: Same objection. 17 BY THE WITNESS: 18 A. I am aware of the specifications and the 19 reviews by industry sources, such as "PC World" and 20 Kim Komando, what is to be expected. But I would not 21 know how that would perform until I actually do it. 22 BY MR. CASPER: 23 Q. When did you become aware of these industry 24 reviews? 25 A. Shortly after its release, or on or about</p>

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MR. TILDEN: Object to the form.

Chuck, our obligation under the Rules here is not to give any coaching objections or any other kind, and I follow that requirement strictly. Almost all my objections here are of the same kind, and I'll be happy to discuss it with you, if you ask. But otherwise I'll keep my mouth shut.

THE WITNESS: Could you repeat the question?

(Record read as requested.)

BY MR. CASPER:

Q. Let me rephrase the question.

Is it correct to say that you do not have any knowledge of how Windows Vista would perform if installed on your new computer?

MR. TILDEN: Same objection.

BY THE WITNESS:

A. I am aware of the specifications and the reviews by industry sources, such as "PC World" and Kim Komando, what is to be expected. But I would not know how that would perform until I actually do it.

BY MR. CASPER:

Q. When did you become aware of these industry reviews?

A. Shortly after its release, or on or about

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the time of its release.

Q. That is, the release of Windows Vista in January of 2007?

A. Yes.

Q. Am I correct that the computer that you're suing Microsoft over is a Toshiba laptop Satellite Model M115?

A. Correct.

Q. Is this the only PC that you're suing Microsoft over?

A. Yes.

Q. Did you pay \$799 for that plus \$50 of tax for a total of \$849?

A. That sounds correct.

Q. Did you buy it on December 22nd, 2006?

A. I believe so.

Q. What led you to purchase it when you did?

A. The -- well, I was beginning my website, beginning to put together that business and building a home office. And that was just part of what I felt I needed to get started.

Q. You said you also have a Dell Dimension, is that correct?

A. Correct.

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Q. Is that a laptop or a desktop PC?

A. It is a desktop.

Q. When did you buy it?

A. I believe 2003.

Q. What operating system does it have installed on it?

A. XP Service Pack 2.

Q. What do you do with it?

A. Well, I was running the website, e-mail, searches through Google, basic Office program, such as preparing letters, resumes, home budget on a spreadsheet, things like that. I would assume the typical consumer use.

Q. Does it do all the things that you need it to do well?

A. Yes.

Q. Does it have a word processing program installed on it?

A. Yes. Are we talking about the Dell?

Q. We're talking about the Dell Dimension.

A. Yes.

Q. Which program does it have?

A. I'm using Sun Microsystems' OpenOffice on that one.

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Q. Does it have Microsoft Office installed?

A. No, I believe it has Works.

Q. Did it ever have Microsoft Office installed?

A. No.

Q. At the time that you bought that computer, what operating system was preinstalled on it?

A. XP.

Q. XP Service Pack 2?

A. Service Pack 1.

Q. Did you upgrade to Service Pack 2 yourself?

A. Yes.

Q. Did that go okay?

A. Yes.

Q. No problems?

A. No.

Q. When did you begin shopping for the Toshiba laptop that's the subject of this lawsuit?

A. In December of '06.

Q. What did you do to shop for it?

A. Oh, I did a little window shopping at Best Buy to get an actual feel for the different laptops available. Of course, having previously repaired laptops, it wasn't that difficult.

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<p style="text-align: right;">Page 34</p> <p>1 KENNETH G. HANSEN 2 Q. How many times did you go there? 3 A. Specifically looking for the laptop, just 4 once. 5 Q. When was that? 6 A. In December '06. 7 Q. Did they have the Toshiba laptop that you 8 wound up purchasing displayed? 9 A. I don't recall if they had the specific 10 model. 11 Q. Did they have some Toshiba laptops 12 displayed? 13 A. Mm-hmm. 14 Q. Were the Toshiba laptops they had displayed 15 similar to the one that you had? 16 A. Yes. 17 Q. What differences were there, if any? 18 A. There are -- around this particular time 19 there seemed to be several models that are almost 20 identical. So, the Model M115 didn't appear to have 21 significant differences from another similar model. 22 They were pretty much all the same. 23 So, it got to be a point of, when making 24 the actual purchase on Amazon, that I was looking 25 more, so, okay, I like the Toshiba. It's got this,</p>	<p style="text-align: right;">Page 36</p> <p>1 KENNETH G. HANSEN 2 lunch hour and did a little browsing. But that was 3 before getting into the actual acquisition mode. 4 Q. Where was that Target store located? 5 A. In Norridge. 6 Q. That's in Illinois? 7 A. Yes. 8 Q. Did you look at any computers at the Target 9 store? 10 A. I don't recall anything specific. 11 Q. Did you look at any computers at Best Buy 12 other than the Toshiba laptops? 13 A. I looked at basically everything they had 14 on display. Maybe a casual look at this one, maybe a 15 more in-depth look at another. Again, Toshiba has a 16 good reputation, so I tended to focus there. And they 17 were reasonably priced. 18 Q. Did any other computers that were on sale 19 at Best Buy catch your eye and cause you to look at 20 them seriously? 21 A. Not that I recall. 22 Q. So, you focused on the Toshiba pretty soon? 23 A. Mm-hmm. 24 Q. Did you compare it to computers made by 25 IBM, for example?</p>
<p style="text-align: right;">Page 35</p> <p>1 KENNETH G. HANSEN 2 this, this and this. That's the one I'm buying 'cuz 3 the price is right. 4 Q. What were you looking for in a laptop other 5 than price? 6 A. Upgradeability because, again, I was aware 7 that the new operating system was coming out, screen 8 size, weight, reputation of the product. They all 9 generally have the same warranty, so that was not that 10 big of a deal. Built in Wi-Fi. 11 Q. What did you plan to use it for? 12 A. The same functions that I use the desktop 13 with the ability to be portable. 14 Q. So, that would be word processing, surfing 15 the internet, sending e-mail? 16 A. Managing the website, as well. 17 Q. And does the Toshiba laptop do all of those 18 things for you satisfactorily? 19 A. Yes. 20 Q. Did you look in any retail stores besides 21 Best Buy when you were shopping for the Toshiba 22 laptop? 23 A. When I was still working at the bank in 24 November and starting to formulate this website and 25 everything, I went to the Target store next door on my</p>	<p style="text-align: right;">Page 37</p> <p>1 KENNETH G. HANSEN 2 A. I stayed away from IBM. I compared them 3 with some Hewlett-Packards and gave passing glance at 4 some of the lesser named Taiwan-made laptops because I 5 know that they're not as dependable. 6 Q. Why did you settle on the Toshiba instead 7 of the HP? 8 A. I just liked the Toshiba better. I can't 9 recall any specifics. I didn't narrow it down to one 10 versus the other. I just liked the Toshiba. 11 Q. At the time you went into the Best Buy 12 store, had you done any other shopping around, either 13 on-line or in any other way? 14 A. I was glancing around on-line, yes. 15 There's another on-line store. It's Best something. 16 It's not Best Buy, but it's Best something that also 17 has good prices. At that time I had not done any 18 business with them, so I leaned towards Amazon because 19 of reputation. 20 Q. What websites did you visit when you were 21 searching for your computer? 22 A. Other than the two I just mentioned, I 23 don't recall any other specific sites by name. Do a 24 Google search on laptops, you come up with tons of 25 places. And I glanced around, but I don't recall any</p>

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<p style="text-align: right;">Page 38</p> <p>1 KENNETH G. HANSEN 2 of them by name. 3 Q. Did you visit the Toshiba website? 4 A. Yes, although I don't know if that was 5 prior to or after the purchase. 6 Q. Did you visit the Microsoft website? 7 A. Every Tuesday. 8 Q. What do you mean by that? 9 A. There was quite a spell where every Tuesday 10 Microsoft would have updates, service patches, what 11 have you, for XP. So, it became kind of routine that 12 I would log on using Internet Explorer on Tuesdays or 13 Wednesdays, go to the Microsoft website, see if any 14 updates were available. 15 Q. Were you doing that in November and 16 December of 2006? 17 A. I believe so. I'd say it became a matter 18 of habit. 19 Q. So, you logged onto Microsoft.com? 20 A. MSN.com, yes. I had a little button. In 21 Internet Explorer you click "check for updates," and 22 it takes you to the Microsoft site. 23 Q. At the time you were shopping for your 24 laptop PC did you look at the Microsoft website at 25 pages that have any information about Windows Vista?</p>	<p style="text-align: right;">Page 40</p> <p>1 KENNETH G. HANSEN 2 Q. So, do I understand that you don't know if 3 it was a Microsoft video or not? 4 A. I can't say for sure. I can only assume. 5 Q. Did you receive -- strike that. 6 Did you visit any other websites during the 7 time you were shopping for your laptop? 8 MR. TILDEN: Asked and answered. 9 BY THE WITNESS: 10 A. Yes, I looked at Best-something.com and 11 some other websites, as I mentioned. I don't recall 12 specifically the names of them. 13 BY MR. CASPER: 14 Q. Did you visit a Microsoft website that 15 described the Windows Vista Capable program? 16 A. I believe so. 17 Q. Before you bought the Toshiba laptop? 18 A. Yes, I believe so. 19 Q. Did you actually receive the PC on December 20 22nd, 2006? 21 A. It was shipped Fed Ex. I don't recall the 22 date it was delivered. 23 MR. TILDEN: At your convenience, Chuck, could we 24 take a couple-minute break? 25 MR. CASPER: Sure. Now is fine.</p>
<p style="text-align: right;">Page 39</p> <p>1 KENNETH G. HANSEN 2 A. I recall a demo. I don't know if -- 3 specifically if it was from Microsoft's site or not, 4 but I recall viewing a demo of all the bells and 5 whistles about Vista. 6 Q. Did you do that before or after you bought 7 your PC? 8 A. Before. 9 Q. What do you mean by the "bells and 10 whistles" of Vista? 11 A. The fancy way that the new screen -- that 12 the menus were transparent-type things. It's been so 13 long now, I can't remember a lot of them. But it 14 looked like it was going to be really a great 15 improvement. To find out later that those 16 improvements were in the advanced versions of Vista 17 didn't come to my attention till after I made this 18 purchase. 19 Q. Do you know what website had this demo? 20 A. No. 21 Q. Was it an animated demo in the sense that 22 it had video, or was it just static images? 23 A. It was a video. 24 Q. How long did it last? 25 A. A couple minutes.</p>	<p style="text-align: right;">Page 41</p> <p>1 KENNETH G. HANSEN 2 (Recess.) 3 BY MR. CASPER: 4 Q. When you were in the Best Buy store 5 shopping for your PC, was there information about 6 Windows Vista in the store for customers? 7 A. Oh, I seem to recall it everywhere. 8 Q. What sort of information did you see? 9 A. Just that it's coming and the machines with 10 the Vista stickers, basically. It was the hubbub at 11 that time. 12 Q. When you were shopping in Best Buy and the 13 other stores that you mentioned before you bought your 14 PC, did you see brochures regarding Windows Vista? 15 A. I don't recall. 16 Q. Well, you said it was everywhere. 17 A. Signs. 18 Q. Signs and brochures and shelf cards and 19 that kind of thing in the retail stores? 20 A. I don't specifically recall a brochure 21 per se, but the signs, the new logo was predominant, 22 perhaps because it was right around Christmas and it 23 was coming out. 24 Q. And by "signs," you mean big signs in the 25 store or do you mean little signs on the shelf or</p>

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<p style="text-align: right;">Page 42</p> <p>1 KENNETH G. HANSEN 2 both? 3 A. Both. 4 Q. Were there little cards posted on the 5 shelves that described the features of Windows Vista? 6 A. I can't specifically recall what they said. 7 In my memory I just recall the logo and the word 8 "Vista" as a predominant feature being advertised 9 everywhere. 10 Q. And you recall that the stores had 11 available big signs in the store itself, and also 12 smaller signs on the shelves around where the PCs were 13 displayed? 14 A. I believe so, yes. 15 Q. Do you recall if they had brochures? 16 A. I wasn't paying that close attention, I 17 guess. 18 Q. Do you recall the information available in 19 the stores telling you about the different versions of 20 Windows Vista that were coming out? 21 A. No. 22 Q. Do you recall what was on that information? 23 A. I just remember the logo and the name. 24 Q. When did you first become aware of the 25 Windows Vista Capable logo?</p>	<p style="text-align: right;">Page 44</p> <p>1 KENNETH G. HANSEN 2 Q. When you were shopping for your laptop, did 3 you have any particular specifications in mind by way 4 of a video card or the video chip that runs the 5 graphics? 6 A. No. My recollection was that it was pretty 7 standard with laptops as opposed to a desktop where 8 you would buy a high-end graphics card for gaming and 9 that sort of thing. It didn't seem to be that 10 critical of a feature with laptops. They seemed to 11 all be the same. 12 Q. What operating system is installed on the 13 Toshiba laptop? 14 A. XP. 15 Q. Which version of XP? 16 A. Service Pack 2. 17 Q. Which edition? 18 A. I'm not aware that Service Pack had 19 multiple editions. 20 Q. Well, let me just represent to you that 21 there is a Windows XP Home and a Windows XP 22 Professional and a Windows XP Media Center edition. 23 Do you know -- 24 A. Now I gotcha. This is the Media Center. 25 Q. So, your laptop has Windows XP Media Center</p>
<p style="text-align: right;">Page 43</p> <p>1 KENNETH G. HANSEN 2 A. I had seen the logo in both the 3 advertisements on the internet as well as in the 4 store. More specifically, I became mostly aware of it 5 when I got the laptop and I opened it. I said, "Oh, 6 good. I did get the right one. It can handle Vista" 7 when I saw the sticker. That was my most memorable 8 point of it. 9 Q. Would it be correct to say that when you 10 bought the laptop you did not know whether it would 11 have a Windows Vista Capable sticker on it or not? 12 A. That was one of the features that I was 13 looking for. So, yes, I was aware that the one I was 14 ordering did in fact say it would handle Vista. And 15 then it was confirmed to me when I actually got it and 16 I opened it. I said, "Oh, good. It can. I didn't 17 make a mistake." 18 Q. Did you see the Windows Vista Capable 19 sticker posted on the Toshiba website? 20 A. I don't recall. 21 Q. Before you bought the laptop did you read 22 any other information that you haven't told me about 23 so far this morning about what the Windows Vista 24 Capable sticker meant? 25 A. No.</p>	<p style="text-align: right;">Page 45</p> <p>1 KENNETH G. HANSEN 2 edition preinstalled on it? 3 A. Yes. 4 Q. At the time you bought the laptop, did you 5 plan to use any Adobe applications? 6 A. Yes, Adobe Photoshop and the program for 7 running pdf files. I -- 8 Q. Adobe Acrobat? 9 A. Thank you. 10 Q. Do you have Adobe Photoshop? 11 A. Yes. 12 Q. Does it work fine on your computer? 13 A. Yes. 14 Q. What do you do with it? 15 A. Not much. I'm trying to self-teach myself. 16 To my knowledge it seems to work okay, but I'm not 17 fluent in graphic design. 18 Q. Where did you get Adobe Photoshop? 19 A. I don't even recall. I bought it 20 somewhere, somewhere cheap. I think I bought it off 21 of -- I can't think of the name of the website. I'm 22 sorry. I just don't recall. 23 Q. When did you do that? 24 A. Sometime in the spring. 25 Q. Spring of --</p>

12 (Pages 42 to 45)

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1 KENNETH G. HANSEN
 2 A. It's a program by Microsoft called the
 3 Vista -- it's on my desktop. I'd have to look at it
 4 for its exact name, but something to the -- something
 5 to the effect of a Vista compatibility program. It
 6 does a search of the components on the computer that
 7 it's running and lists what compatibility there is for
 8 the different versions of Vista. I first ran that
 9 when I first learned of it earlier this year. And
 10 again -- I downloaded and ran it again recently after
 11 adding the memory and everything.

12 Q. Did you run it the first time in 2007?
 13 A. Yes.
 14 Q. Before or after Windows Vista was released?
 15 A. I'm not sure, but I believe after.
 16 Q. What did it tell you?
 17 A. I've ran it so many times now, I can't
 18 remember what the first result was. It -- I mean, I
 19 recall it did indicate that I could run some of the
 20 lower versions of Vista. Around the same time as when
 21 I was reading the actual memory requirements from
 22 different trade articles. Not requirements, but what
 23 makes it run properly or efficiently.
 24 Q. Did you run it again after installing the
 25 additional memory that you purchased?

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1 KENNETH G. HANSEN
 2 A. I don't recall if I ran that before or
 3 after putting in the additional memory.
 4 Q. Is it your understanding that with the
 5 additional memory that it now has that your laptop is
 6 able to run Windows Vista Home Premium?
 7 A. That being this second level up of Vista,
 8 yes.
 9 Q. Could you take a look at page 2 of Exhibit
 10 1, which is marked PLTFS 007?
 11 A. Mm-hmm.
 12 Q. Is that the shipping confirmation for your
 13 laptop?
 14 A. Appears to be the packing slip.
 15 Q. Could you look at the next page, which is
 16 marked PLTFS 008? It's a receipt from the Best
 17 Messenger Service, Inc. What's the date on that?
 18 A. It says 11/3/07.
 19 Q. I think you brought the original here this
 20 morning. Let me have you look at the original and see
 21 if you could read the date on the original any better.
 22 A. 1/3/07 it looks like it should be. But for
 23 some reason it looks like they wrote an 11. Of
 24 course, that couldn't possibly be because that was
 25 just last week.

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1 KENNETH G. HANSEN
 2 Q. So, you believe it's January 3rd, 2007?
 3 A. I believe so.
 4 Q. Now, what is this?
 5 A. If memory serves me correct, Fed Ex showed
 6 up with a door tag and not the product, making it
 7 appear that they were attempting to deliver it but I
 8 wasn't home. Well, I was. And I'm going to assume
 9 the driver was sloughing off or something. But here's
 10 this door tag. Where's the laptop? I was getting a
 11 little bit angry with the driver. What do you mean
 12 you're attempting to deliver it? I'm right here.
 13 Where's the product?

14 I called the Fed Ex office and explained to
 15 them. You know, I said, "This is wrong. I want this
 16 thing delivered today. You brought a door tag. You
 17 didn't bring the product."

18 I had to escalate that to a supervisor, and
 19 they said, "All right. We'll get it out to you
 20 today." And a couple hours later this messenger
 21 showed up. So, it was a delivery issue with Fed Ex
 22 and their driver, but it got resolved through this
 23 messenger service.

24 Q. Did you unpack the computer on January 3rd,
 25 2007?

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1 KENNETH G. HANSEN
 2 A. I'm sure I did.
 3 Q. Okay. What type of box was it packed in?
 4 A. A cardboard box. I don't recall if it was
 5 a Fed Ex or just a plain brown. I mean, I order -- or
 6 was at that time ordering a lot of things on-line. I
 7 can't recall specifically what the box looked like.
 8 Q. Do you still have the box?
 9 A. No.
 10 Q. Did you discard it?
 11 A. Yes.
 12 Q. When did you do that?
 13 A. Probably -- generally I will keep something
 14 that I order on-line, I'll keep the packing material
 15 for about a month to make sure that it doesn't have to
 16 get shipped back. If it -- you know, if after a month
 17 everything's still good, then I clear out the boxes.
 18 Q. What did you do in this case?
 19 A. I assume I did just that because it's my
 20 normal routine.
 21 Q. What markings do you recall on the box?
 22 A. I don't recall.
 23 Q. Were there any labels on the box other than
 24 the shipping label?
 25 A. I really don't think it was anything other

13 (Pages 49 to 52)

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<p style="text-align: right;">Page 54</p> <p>1 KENNETH G. HANSEN 2 A. I can't recall specifically. 3 Q. Do you know one way or another whether 4 there was any information about Windows Vista or 5 Windows Vista Capable on the outside of that box? 6 A. Can't say for sure. 7 Q. What was inside the box? 8 A. The laptop, charger, battery, an accessory 9 catalog, the warranty information, manual, recovery 10 CD. Pretty much all I recall. 11 Q. Did you discard any of the papers that were 12 inside either of the two boxes? 13 A. No. However, I have been unable to locate 14 the owner's manual, and I don't recall seeing it. But 15 that doesn't mean it wasn't there. 16 Q. So, I understand that you looked for other 17 papers relating to your purchase and that you brought 18 some for me to look at today, is that right? 19 A. I gave everything to Jeff here that I could 20 find. 21 Q. Do you have anything that came in the box, 22 any papers that came in the box that you didn't bring 23 in? 24 A. No. I searched everything, and anything I 25 could find relative to this purchase I produced to</p>	<p style="text-align: right;">Page 55</p> <p>1 KENNETH G. HANSEN 2 Q. How much additional memory did you get? 3 A. One gigabyte. 4 Q. So, your computer now has one and a half 5 gigabytes, is that correct? 6 A. Yes. 7 Q. Did you install it yourself? 8 A. Yes. 9 Q. Did you have any problems doing that? 10 A. No. 11 Q. Does it work fine? 12 A. Yes, it does. 13 Q. This page indicates that your Toshiba 14 Satellite has a 945 chipset. Do you know if that's 15 correct? 16 A. Can't say for sure. 17 Q. How much did you pay for the memory? 18 A. 74.99, according to the receipt. 19 Q. Now, am I correct that had you chosen to, 20 you could also have bought 512 megabytes of memory 21 instead of one gigabyte? 22 A. Yes. 23 Q. And am I correct that had you chosen to, 24 the 512 megabytes of memory would have cost 49.99? 25 A. I suppose. I really don't recall what the</p>
<p style="text-align: right;">Page 55</p> <p>1 KENNETH G. HANSEN 2 Jeff. 3 Q. So, everything that you saved has been 4 delivered? 5 A. Except for the recovery CD, which I still 6 have at home. 7 Q. And I take it you're not sure whether there 8 were some things that came in the box that you 9 discarded or lost, such as the owner's manual? 10 A. Other than the owner's manual, I don't 11 recall anything, no. 12 Q. Were there any other sheets of information 13 that you no longer have that came in the box? 14 A. Not that I'm aware of. 15 Q. Do you know one way or another? 16 A. No. I believe you have everything I have. 17 Q. Could you turn to the next page of Exhibit 18 12, which is PLTFS 009? 19 A. Mm-hmm. 20 Q. This appears to be an invoice for memory 21 dated May 15th, 2007, is that correct? 22 A. Yes. 23 Q. Did you purchase new memory for the 24 computer? 25 A. Yes, additional memory.</p>	<p style="text-align: right;">Page 57</p> <p>1 KENNETH G. HANSEN 2 price was. 3 Q. Could you look at page PLTFS 012? 4 A. Oh, 49.99. 5 Q. So, does page 012 show that one of the 6 available options you could have chosen from the 7 company that sells memory is 512 megabytes for 49.99? 8 A. Yes. 9 Q. And that would have given you a total of 10 one gigabyte? 11 A. Mm-hmm. 12 Q. Why did you choose to get more than that? 13 A. Based on, again, articles. Specifically 14 one that comes to mind is one from Kim Komando saying 15 that one gigabyte with Vista's okay, but two is much 16 better. And this reminds me here that the two 17 gigabyte chip was much more expensive than the one 18 gigabyte. So, I sort of compromised and figured, 19 okay. I'll put a gig in to give me a gig and a half, 20 and that should be sufficient. 21 Q. Why did you buy additional memory? 22 A. Well, for one, it speeds up the operation 23 of software and, two, as I mentioned, the trade 24 articles and everybody said you really need to put 25 more memory in if you're gonna run Vista.</p>

15 (Pages 54 to 57)

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1 KENNETH G. HANSEN
 2 A. Both new and otherwise, or just new?
 3 Q. Let's speak of new ones.
 4 A. Okay. Two.
 5 Q. Which ones are those?
 6 A. This one and my Dell Dimension.
 7 Q. When you bought your Dell Dimension, what
 8 was the shopping around process that you used before
 9 you bought it?
 10 A. Basically, I was able to get that on credit
 11 and design the components I wanted. It was a
 12 built-to-order type of thing where you telephoned out,
 13 talked to a representative, discussed what you wanted
 14 in a machine. They built it to order and shipped it
 15 to you.
 16 And at that time that was the only company
 17 I knew doing that. And my previous service experience
 18 told me that Dell was a good product. And it is. So,
 19 that was the selling point, its reputation and the
 20 fact that it was a built-to-order machine.
 21 Q. Did you look around in stores before you
 22 bought the Dell Dimension?
 23 A. No.
 24 Q. Did you read magazines before you bought
 25 the Dell Dimension?

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1 KENNETH G. HANSEN
 2 A. Sure, but not to the extent of comparison
 3 shopping. I pretty much had it in my mind that I
 4 liked the way that they presented that build to order,
 5 and that was fine by me. Good product. I'll buy it.
 6 Q. Did you shop around at any websites besides
 7 Dell's before you bought it?
 8 A. No. I was pretty much predisposed to
 9 buying that particular product and in that manner.
 10 Q. When you bought the Toshiba laptop that's
 11 here on the table right now, why did you buy it from
 12 Amazon.com instead of directly from CompUSA?
 13 A. Because Amazon.com lists the product, and
 14 you don't actually know who's sending it to you. In
 15 other words, Amazon.com lists the CompUSA, but you
 16 don't really know it's CompUSA until you get the
 17 packing slip. I'm familiar with CompUSA, but I just
 18 purchased it off of Amazon.
 19 Q. When you got your receipt, did you
 20 understand that it was coming from CompUSA?
 21 A. Yes.
 22 Q. Did you know that before you bought it?
 23 A. No.
 24 Q. Did you consider buying it directly from
 25 Toshiba?

20 (Pages 77 to 80)

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<p>1 KENNETH G. HANSEN 2 MR. TILDEN: Object to the form. 3 BY MR. CASPER: 4 Q. Do you consider it important for a computer 5 not to crash in the way that you just described? 6 A. Very much. 7 Q. Have you had any problems with reliability 8 or crashes with the Toshiba laptop that you got? 9 A. Not at all. 10 Q. Did you have any such problems with the 11 Dell? 12 A. No. 13 Q. Do you sometimes use a search or a find 14 feature in order to locate a particular file on your 15 computer? 16 A. Yes. 17 Q. Do you consider it important how fast that 18 works? 19 MR. TILDEN: Object to the form. 20 BY THE WITNESS: 21 A. It's not critical. I mean, if I'm in a 22 hurry to find something, I'm in a hurry to find 23 something. But otherwise, the Windows search feature 24 has always been adequate as far as speed. 25 BY MR. CASPER:</p>	<p>Page 82</p> <p>1 KENNETH G. HANSEN 2 like, one or two free calls per license key. And I 3 called them because I couldn't get a certain program 4 on the recovery disk to load. They told me where to 5 download that particular file off the website. I did, 6 completed reinstalling all my software, and everything 7 was fine. 8 Q. Did your Toshiba laptop come with the 9 so-called Express Upgrade option? 10 A. Referring to Vista? 11 Q. Yes. 12 A. No. 13 Q. Do you know what I mean by that? 14 A. I believe that to be like a coupon to get 15 an upgrade from XP to Vista. 16 Q. Yes, either free or for a reduced price. 17 A. Yes. I was actually disappointed that it 18 didn't come with one. 19 Q. When did you learn that it didn't come with 20 one? 21 A. When I got the laptop delivered. 22 Q. Did you check into that before you decided 23 to buy? 24 A. No. I had heard that it was kind of a 25 standard thing with new laptops. I didn't look to see</p>
<p>1 KENNETH G. HANSEN 2 Q. Do you consider it a desirable feature for 3 the search feature to run quickly rather than slowly? 4 A. Yes. 5 Q. Have you ever contacted Microsoft about 6 either of these laptops or the software that's on 7 them? 8 MR. TILDEN: Object to the form. 9 BY THE WITNESS: 10 A. I've never contacted Microsoft regarding 11 the laptop. 12 BY MR. CASPER: 13 Q. And by "contact Microsoft," I mean call 14 Microsoft or send Microsoft an e-mail. Is that how 15 you understood it? 16 A. Yes. 17 Q. Did you contact Microsoft about the Dell 18 computer? 19 A. Yes. 20 Q. Why? 21 A. Several times with the Dell I had 22 downloaded so much junk that I stripped the hard drive 23 down to zero, reformatted it and built it back up. 24 And I was having problems with my recovery 25 disk for XP. And it seems to me Microsoft allows you,</p>	<p>Page 83</p> <p>1 KENNETH G. HANSEN 2 that it specifically would come with it, but I was 3 disappointed when it wasn't there. Nobody to blame 4 but myself on that. I should have inquired. 5 Q. You mentioned that you saw the Windows 6 Vista Capable logo on-line during the time you were 7 shopping around for computers, correct? 8 A. I believe so, yeah. 9 Q. And I take it you must also, then, have 10 seen the Premium Ready designation that Microsoft had, 11 as well, is that right? 12 A. I have seen the Premium logo, but only 13 after I had purchased this. I just knew to look for 14 the Vista sticker. That was the extent of it at the 15 time that I was making this purchase. Again, I was 16 even vague about the different versions that were 17 coming out as they hadn't been released yet. 18 Q. So, am I correct that at the time you 19 bought the computer, you did not know which versions 20 of Windows Vista would run on this computer? 21 MR. TILDEN: Object to the form. Go ahead. 22 BY THE WITNESS: 23 A. I just looked for the Vista -- the word 24 "Vista," and went, okay. This is something that can take Vista. That was really all I knew about it at</p>

22 (Pages 82 to 85)

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KENNETH G. HANSEN November 7, 2007

1 KENNETH G. HANSEN

2 STATE OF ILLINOIS)

)

3 COUNTY OF GRUNDY)

4

5 The within and foregoing deposition of the
6 aforementioned witness was taken before MARGARET A.
7 BACHNER, CSR and Notary Public, at the place, date and
8 time aforementioned.

9 There were present during the taking of the
10 deposition the previously named counsel.

11 The said witness was first duly sworn and
12 was then examined upon oral interrogatories; the
13 questions and answers were taken down in shorthand by
14 the undersigned, acting as stenographer and Notary
15 Public; and the within and foregoing is a true,
16 accurate and complete record of all of the questions
17 asked of and answers made by the aforementioned
18 witness, at the time and place hereinabove referred
19 to.

20 The signature of the witness was not
21 waived, and the deposition was submitted, pursuant to
22 Rules 30(e) and 32(d) of the Rules of Civil Procedure
23 for the United States District Court, to the deponent
24 per copy of the attached letter.

25

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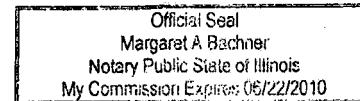
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1 The undersigned is not interested in the
2 within case, nor of kin or counsel to any of the
3 parties.

4 Witness my official signature and seal as
5 Notary Public in and for Grundy County, Illinois, on
6 this 9th day of November, A.D. 2007.

7 

8 Margaret A. Bachner, CSR, RMR, CRR
9 Illinois CSR No. 84-1481
10 Notary Public State of Illinois
10 My commission expires 6/22/2010



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